IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 20TH MARCH 2007 / 29TH PHALGUNA 1928

RPFC.No. 92 of 2007()

AGAINST THE ORDER DATED 07/02/2007 IN CMP. 2618 /2006 IN MC.28/2006 of FAMILY COURT, MALAPPURAM.
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PETITIONER:

MR.MUKKILAYIL PRAKASH, AGED 28 YEARS,
S/O.RAMAN, MOOKILAYIL HOUSE, CHERAKKAPARAMBU P.O.,
CHERAKKAPARAMBAU AMSOM, ANGADIPURAM DESOM,
PERINTHALMANNA TALUK, MALAPPURAM DISTRICT.

BY ADV. SRI.DEVAPRASANTH.P.J.

RESPONDENTS:
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1. PUNNAKKATTUKUZHI PULARI,
D/O.IBBACHAN, 21 YEARS, PUNNAKKATTUKUZHI HOUSE,
PUZHAKKATTIRI HOUSE, PUZHAKKATTIRI P.O.,
ANGADIPPURAM. VIA, PUSHAKKATTIRI AMSOM DESOM,
MALAPPURAM DISTRICT.

2. NAVANEETH, 2 YEARS (MINOR),
S/O.MUKKILAYIL PRAKASH,
(MINOR REPRESENTED BY THE GUARDIAN MOTHER THE
1ST RESPONDENT).

BY

THIS REV.PETITION(FAMILY COURT) HAVING BEEN FINALLY HEARD ON 20/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

KURIAN JOSEPH & K.T. SANKARAN, JJ.

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R.P.(FC) No. 92 OF 2007

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Dated this the 20th March, 2007

O R D E R

Sankaran, J:

Petitioner-husband was set ex parte in M.C.No. 28 of 2006 on the file of the Family Court, Malappuram filed by the respondents herein claiming maintenance under section 125 of the Code of Criminal Procedure. Annexure IV order dated 01.11.2006 was passed directing the petitioner to pay maintenance at the rate of Rs. 2,000/- per month to the first respondent and at the rate of Rs.1,500/- per month to the second respondent from the date of the petition. C.M.P.No. 2618 of 2006 was filed by the petitioner to set aside the ex parte order. The court below allowed that application by order dated 07.02.2007 on condition that the petitioner shall deposit the entire arrears of maintenance due to the minor son and half of the amount of maintenance awarded to the first respondent herein, on or before 20.02.2007. The order dated 07.02.2007 is under challenge in this Revision Petition.

2. Heard counsel for the parties. On 27.02.2007 an interim order of stay was passed by this court keeping in abeyance the Non Bailable Warrant issued against the petitioner on condition that the petitioner shall deposit the entire arrears due to the minor at the rate of Rs.1,000/- per month within a period of one month. The order dated 27.02.2007 reads as follows:

> *"NBW will be kept in abeyance on condition that the petitioner shall deposit the entire arrears due towards the minor at the rate of Rs.1000/- (Rupees one thousand) within one month and continue to deposit on the above rate".*

3. If the order dated 27.02.2007 has already been complied with, the ex parte order dated 01.11.2006 in M.C.No. 28 of 2006 shall stand set aside. If the petitioner has not complied with the order dated 27.02.007, this Revision Petition will stand dismissed. It is made clear that if the order dated 27.02.2007 is complied with by the petitioner, the court below shall dispose of M.C. No. 28 of 2006 on its merits.

R.P.(FC) is disposed of as above.

KURIAN JOSEPH,
JUDGE.

K.T. SANKARAN,
JUDGE.

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